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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/541,020

06/28/2005

Kenji Fujii

Q88147

4034

23373 7590 10/14/2010
SUGHRUE MION, PLLC
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EXAMINER

ROYDS, LESLIE A

ART UNIT

PAPER NUMBER

1614

NOTIFICATION DATE

DELIVERY MODE

10/14/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/541,020	6/28/2005	FUJII ET AL.	Q88147

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EXAMINER

Leslie A. Royds

ART UNIT	PAPER
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1614	20101005
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NOTICE OF NON-RESPONSIVE AMENDMENT

The reply filed July 26, 2010 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to address each ground of rejection in the Office Action. See, specifically, the rejection under obviousness-type double patenting over U.S. Patent Application No. 11/993,743. Applicant has simply observed that the rejection is provisional, which does not constitute a proper response to the outstanding rejection. The reply fails to comply with the requirements of 37 C.F.R. 1.111(b), which requires that Applicant distinctly and specifically point out the supposed errors in the action, replying to every ground of rejection. In addition, should Applicant consider requesting that the rejection be held in abeyance, note that a request for holding the rejection in abeyance also does not constitute a proper reply to the rejection. 37 C.F.R. 1.111(b) allows Applicants to request that "objections or requirements as to form" be held in abeyance, but there is no provision for holding rejections, which are by definition substantive and not matters of form, in abeyance. See MPEP Sect. 804.02 (II) for guidance in overcoming nonstatutory double patenting rejections and 37 C.F.R. 1.111 regarding proper responses to outstanding rejections and/or objections.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached from Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Leslie A. Royds/
Primary Examiner, Art Unit 1614